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 6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,)	2:08-cr-161-PMP-GWF
)	
10 PLAINTIFF,)	
)	
11 vs.)	GOVERNMENT'S MOTION FOR
)	RESETTING GOVERNMENT'S
12 CASEY LUCZAK,)	DEADLINE TO RESPOND TO
)	DEFENDANT'S 28 U.S.C. § 2255
13 <u>DEFENDANT.</u>)	MOTION

14
 15 COMES NOW, the United States of America by and through its attorneys,
 16 DANIEL G. BOGDEN, United States Attorney, and ADAM FLAKE, Assistant United States
 17 Attorney, and respectfully requests this Court enter an order resetting the Government's
 18 deadline to respond to Defendant's 28 U.S.C. § 2255 motion to 30 days after Defendant's
 19 former counsel, David Farnham, provides the information requested in the Government's
 20 motion to waive the attorney-client privilege. The Government's response is currently due on
 21 April 16, 2012.

22 This order is sought for the following reasons:

23 1. Defendant has filed a 28 U.S.C. § 2255 motion to vacate, set aside or
 24 correct sentence by a person in federal custody, alleging his counsel, David Farnham
 25 provided ineffective assistance.

26 . . .

3. The Government has filed a separate motion to waive the attorney-client privilege between Defendant and former counsel, David Farnham, whom Defendant alleges gave ineffective assistance. The Government needs the information requested from Farnham before it can respond to Defendant's 28 U.S.C. § 2255 motion.

WHEREFORE, based on the foregoing, it is respectfully requested that this Court reset the Government's deadline for responding to Defendant's 28 U.S.C. § 2255 motion to 30 days after Farnham provides the information requested in the motion to waive the attorney-client privilege.

Respectfully submitted,

/s/ Adam M. Flake
ADAM M. FLAKE
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASEY LUCZAK,

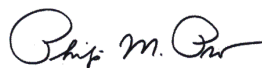
Defendant.

2:08-cr-161-PMP-GWF

**ORDER STAYING GOVERNMENT'S
DEADLINE TO RESPOND TO
DEFENDANT'S 28 U.S.C. § 2255
MOTION**

Based on the pending application of the Government, and good cause appearing,
IT IS THEREFORE ORDERED that the that the Government's deadline for responding
to Defendant's 28 U.S.C. § 2255 motion is stayed until 30 days from the date Louis Palazzo
provides the information requested in the Government's motion to waive the attorney-client
privilege

DATED: this _ 28th day of March, 2012.



UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the United States Attorney's Office, and is a person of such age and discretion as to be competent to serve papers.

That on March 9, 2012, she filed a copy of **GOVERNMENT'S MOTION FOR RESETTING GOVERNMENT'S DEADLINE TO RESPOND TO DEFENDANT'S 28 U.S.C. § 2255 MOTION** by electronic mail and by U.S. Mail to the following:

Casey Luczak
42940-048
HAZELTON
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. Box 2000
Bruceton Mills, WV 26525

/s/ Terrie Murray
TERRIE MURRAY
Legal Assistant